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General Comment:

March 26, 2008

Vincent J. Fusaro  
Standardization Section  
Fresh Products Branch-Fruit & Vegetable Programs  
Agricultural Marketing Service  
U.S. Department of Agriculture  
1400 Independence Avenue, SW., Room 1661, South Building, Stop 0240  
Washington, D.C. 20250-0240

Reference: February 26th, 2008; Federal Register Vol. 73, No. 38, pgs. 10185-10186  
AMS Docket #FV-07-0140

Dear Mr. Fusaro:

On behalf of the California Grape & Tree Fruit League, a voluntary public policy trade association representing fresh market table grapes and deciduous tree fruit grown in California, I write in support of the U.S. Department of Agriculture, Agriculture Marketing Service (USDA-AMS) proposal to revise the U.S. Standards for Grades of Table Grapes (European or Vinifera Type) to include a tolerance of 5 percent for table grape shatter from grading as defect in recognition of the evolution of consumer bags and clamshells for product en route or at destination only. We sincerely appreciate the efforts of the Agricultural Marketing Service branch of USDA in addressing this issue and for proposing this allowance for table grape shatter.

Over the past two decades, table grape packaging has made profound improvement in decreasing risk for berry injury, including discoloration, scarring, or any other outer berry defect as was not the case with traditional higher risk lug shipments. Today, packaging is uniquely designed to support the character of table grapes throughout the handling process, from the grower to the retailer, ensuring the highest quality product available. The current proposal would correctly shift focus from past shipping methods and appropriately recognize the risk-reducing advancement in packaging now widely regarded as the standard for the fresh table grape industry.

The California Grape & Tree Fruit League accepts the USDA-AMS proposed 5 percent shatter allowance as a compromise given our industry's previous requests to amend grading standards to recognize low shatter levels as separate from defect. We support the current proposal as it seeks to update grading standards by recognizing a small amount of fresh table grapes detached from the stem as distinct from defect. As with earlier proposals, we continue to support the emphasis placed on the enhancement of grading standards to better reflect quality of table grape product, with regard to fair recognition of shatter in instances where the berry remains whole and sound.

We strongly believe defective berries deserve grading reflective of poorer quality when held in comparison to table grape berries with superior qualities. When affixing a grade to a table grape product, it is held that the grade assigned to the product is a judgment given at a specific moment to represent berry characteristics. This grade continues to serve as an identity for the berry throughout the handling chain. So, if a berry is judged and a grade synonymous with high quality is affixed to it then, except for instances of damage where by grading may change to accurately depict defect. To unfairly profile berries

without  
defect would deteriorate grading standards leaving all susceptible to an  
inadequate  
system of judging. Recognizing a small amount of table grape shatter, as  
different based solely on attachment to the stem, while reflecting uniform  
standardization used to judge all berries is worthy of support as identified  
within  
the USDA-AMS proposal.

Given the proposed revision to table grape standards is based on providing  
fair and  
accurate grading for table grapes, it is important consideration is given to  
consumer perception of grape quality in relation to shatter. In a 2005 study  
commissioned by the California Table Grape Commission, consumers perceived  
table grape bunches with low levels of shatter to be of excellent quality.  
Also,  
when presented with different sets of product at varying amounts of shatter,  
consumers saw no difference among grapes with very low shatter levels at 10  
percent and below. Through the study, we learned consumers consistently  
showed preference for table grapes with relatively low shatter levels  
recognizing  
each berry set contained high quality, highly desirable berries.

The current USDA-AMS proposal to recognize a 5 percent shatter allowance for  
table grapes in consumer packaging en route or at destination is a fair  
compromise we support on the basis of accurate grading and recognition of  
evolution in consumer and packaging practices. As grading is representative  
of  
judgment at a given point in time, we believe the 5 percent allowance provides  
necessary revision to grading standards provided berry characteristics warrant  
high quality status. This proposed allowance recognizes the reality that  
even the  
most pristine bunch of grapes has some amount of healthy and sound berries  
that  
are not attached to the stem. Recognizing shatter alone does not equate to  
defect  
absent berry damage; we believe grading must provide a reflective  
representation  
by which whole and sound table grapes deservingly receive U.S. No. 1 grade  
distinction.

Opponents of the proposed allowance have stated that shattered berries are  
more  
prone to defects and therefore a shorter shelf life. To recognize this  
concept by  
maintaining the status quo without an allowance for shatter would effectively  
begin  
to look at shatter as a ?potential? defect rather than an existing defect at  
time of  
inspection. This is certainly a different rationale for why shatter was  
considered a  
defect when grapes were sold in plain packs. We believe this ?potential?  
defect  
would be a dangerous precedent that could apply to other grading standards as  
compared to the precedent that already exists for USDA grading practices for  
an  
allowance; i.e. bagged apples.

In summary, our growers and our association believe that the proposed 5%  
allowance is a reasonable compromise, especially given our feeling that our  
previous proposal of a 10% allowance was valid as well, that recognizes the  
evolution of consumer table grape packaging while assuring that actual defect  
levels are not changed and consumers, as they have confirmed in looking at  
small  
amounts of shatter, continue to look at table grapes as a high quality  
product.  
However, given the concerns of the wholesalers expressed in this process we  
would not oppose a five year trial period to verify that the adjustment is  
serving its  
intended purpose. We believe that all parties, after a reasonable amount of  
time  
and considering the minor proposed allowance, will see the reasonableness and  
fairness of this proposed action.

Thank you for your time and consideration.

Sincerely,

Barry Bedwell  
President